REMARKS/ARGUMENTS

The Office has required restriction in the above-identified application as follows:

Group I: Claims 1-5, 8 and 10-12, drawn to a process for *in vitro* detection of resistance of cancer cells to oxaliplatin treatment comprising measuring the mitochondrial apoptosis of cancer cells, and a process comprising measuring the mitochondrial apoptosis of cancer cells wherein the process comprises measurement of mRNA transcripts;

Group II: Claims 1-4, 6 and 9, drawn to a process for *in vitro* detection of resistance of cancer cells to oxaliplatin treatment comprising measuring the mitochondrial apoptosis of cancer cells, and a process comprising measuring the mitochondrial apoptosis of cancer cells wherein the process comprises measurement of the amount of mitochondrial apoptosis proteins;

Group III: Claims 1-4, 6 and 9, drawn to a process for *in vitro* detection of resistance of cancer cells to oxaliplatin treatment comprising measuring the mitochondrial apoptosis of cancer cells, and a process comprising measuring the mitochondrial apoptosis of cancer cells wherein the process comprises measurement of the activity of mitochondrial apoptosis proteins;

Group IV: Claim 7, drawn to a process comprised of detecting a mutation indicative of deficient mitochondrial apoptosis;

Group V: Claim 13, drawn to a process for selection of compound that inhibit the resistance of cancer cells to oxaliplatin;

Group VI: Claims 14-16, drawn to use of at least one agent stimulating mitochondria apoptosis;

Group VII: Claims 17-18, drawn to a product containing oxaliplatin and an agent capable of stimulating mitochondrial apoptosis;

Group IX: Claim 19, drawn to a kit for diagnosis of resistance of a cancer to oxaliplatin;

Group X: Claim 20, drawn to cell HCT116/S; and

Group XI: Claims 21-23, drawn to the use of cell HCT116/S or any cell derived from cell HCT116/S.

Applicants have elected, with traverse, Group I: Claims 1-5, 8, and 10-12, for further prosecution. Additionally, Applicants have provisionally elected the following species:

colorectal cancer, Bax, and TNF. Claims 1-23 read on the species: colorectal cancer: Claims 1-23 read on the species: Bax. Claims 14 and 17-18 read on the species: TNF.

Applicants respectfully traverse on the grounds that the Office has not shown that a burden exists in searching the entire application.

MPEP in §803 states as follows:

> If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office.

Additionally, Applicants respectfully traverse the election of a cancer species. Applicants note the invention is applicable to cancers other than the elected species, colorectal cancer, and Applicants therefore request withdrawal of this species election.

Further, should the allowed species be found allowable, Applicants respectfully request that the Examiner expand his search to include the non-elected species.

Applicants submit the present application is now in condition for examination on the merits. Early notification to this effect is earnestly solicited.

Respectfully submitted,

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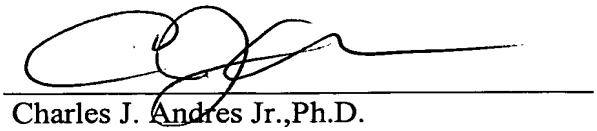

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